

REMARKS

I. Status of Claims

Claims 1-32 are pending with claims 1 and 17 being independent. Applicant thanks Examiner for indicating that claims 11-16 and 27-32 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims.

II. Rejections under 35 U.S.C. §103(a) as being unpatentable over LUZ et al. (US 6,378,019 B1) in view of SCHIEMENZ, JR. et al. (US 5,834,972 A)

The Examiner has rejected claims 1-5, 8, 17-21 and 24 under 35 U.S.C. §103(a) as being unpatentable over LUZ et al. (US 6,378,019 B1) in view of SCHIEMENZ, JR. et al. (US 5,834,972 A). Applicant respectfully requests reconsideration of the rejections because LUZ et al. is not prior art. For a US Patent to be eligible as prior art under 35 U.S.C. §103(a) it must qualify as prior art under 35 U.S.C. §102. For LUZ et al., 35 U.S.C. §102(e) provides for the earliest date in which LUZ et al. is available as prior art. LUZ et al. is a US Patent that published on May 18, 2004 and was filed on April 10, 2003. Accordingly, LUZ et al.'s 35 U.S.C. §102(e) date is April 10, 2003.

By contrast, the Applicant's invention was filed on July 11, 2003 and claims the benefit under 35 U.S.C. §119(a) of Korean Patent Application No. 2002-41023 which was filed on July 13, 2002. Thus, the priority date of the Applicant's invention is July 13, 2002. At the Examiner's request, an English translation of Korean Patent Application No. 2002-41023 will be submitted. Clearly, the Applicant's priority date of July 13, 2002 is prior to LUZ et al.'s 35 U.S.C. §102(e) date of April 10, 2003. As such, LUZ et al. is not available as prior art against the Applicant. Furthermore, SCHIEMENZ, JR. et al. does not make up for the subject matter taught by LUZ et al. not being prior art. Specifically, SCHIEMENZ, JR. et al. fails to disclose "a power pooling apparatus for uniformly distributing sector loads in a mobile communication system, comprising: a distributor for distributing signals output from a signal generator according to respective sectors; [and] a radio signal processor for performing signal processing to provide an output of the distributor to an antenna.", as recited in Applicant's claim 1. Likewise, SCHIEMENZ, JR. et al. fails to disclose "a power pooling method for uniformly distributing sector loads in a mobile communication system, comprising the steps of: uniformly

distributing signals output from a signal generator according to respective sectors; performing radio signal processing on the distributed signals”, as recited in Applicant’s claim 17.

Therefore, claims 1-5, 8, 17-21 and 24 are allowable over LUZ et al. in view of SCHIEMENZ, JR. et al. for the reasons given above and withdrawal of the rejections are hereby requested.

III. Rejections under 35 U.S.C. §103(a) as being unpatentable over LUZ et al. (US 6,378,019 B1) in view of SCHIEMENZ, JR. et al. (US 5,834,972 A) and further in view of LUZ et al. (US 2003/0214355 A1)

The Examiner has rejected claims 6, 9-10, 22 and 25-26 under 35 U.S.C. §103(a) as being unpatentable over LUZ et al. (US 6,378,019 B1) in view of SCHIEMENZ, JR. et al. (US 5,834,972 A) and further in view of LUZ et al. (US 2003/0214355 A1). Dependent claims 6, 9-10, 22 and 25-26 are allowable for the reasons given above by virtue of their dependence on independent claims 1 and 17. Moreover, LUZ et al.-‘355 fails to make up the deficiencies in LUZ et al.-‘019 and SCHIEMENZ, JR. et al.. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 6, 9-10, 22 and 25-26.

IV. Rejections under 35 U.S.C. §103(a) as being unpatentable over LUZ et al. (US 6,378,019 B1) in view of SCHIEMENZ, JR. et al. (US 5,834,972 A) and further in view of DENT et al. (US 5,574,967 A)

The Examiner has rejected claims 7 and 23 under 35 U.S.C. §103(a) as being unpatentable over LUZ et al. (US 6,378,019 B1) in view of SCHIEMENZ, JR. et al. (US 5,834,972 A) and further in view of DENT et al. (US 5,574,967 A). Dependent claims 7 and 23 are allowable for the reasons given above by virtue of their dependence on independent claims 1 and 17. Moreover, DENT et al. fails to make up the deficiencies in LUZ et al. and SCHIEMENZ, JR. et al.. Accordingly, Applicant respectfully requests withdrawal of the rejections of claims 7 and 23.

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V. Conclusion

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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